

Remarks

The Examiner has objected to the specification on the ground of order or arrangement. The Examiner is reminded that the order of the specification suggested in the rules is a preferred, not mandatory, order. Nevertheless, a substitute specification has been provided that, to the extent practical incorporates an arrangement similar to that suggested by the rules with appropriate headings. The objection should be withdrawn. A required Abstract has also been provided with the substitute specification.

The Examiner has rejected Claims 1-8 under 35 U.S.C. 103a as being unpatentable over Rice et al. in view of WO 90/01878. The basis for the rejection is apparently based upon the argument that Rice shows a standard inedible truss (that certainly does not suggest the use of an edible truss for trussing a bird in accordance with the present invention) in combination with WO 90/01878 that discloses the use of a dissolving material to hold materials such as meat and sausages together. (There is no disclosure or suggestion of the use of an edible truss material for trussing a bird and no disclosure or suggestion of a material that is stable during cooking in accordance with the present invention.)

Despite the Examiner's assertion, it would not have been obvious to one skilled in the art to use the dissolving material of WO 90/01878 to truss a bird as described in Rice et al. One skilled in the art would never look to a dissolving material for the purpose of trussing a bird during cooking. The purpose for trussing is to maintain a shape for the bird during the cooking process. A material that dissolves during the cooking process is inconsistent with such a purpose. Even if it were considered obvious to one skilled in the art to make such a

combination, the presently claimed invention still would not be disclosed or suggested. The use of a material of the type disclosed in WO 90/01878 in an attempt to truss a bird would result in complete truss failure during cooking contrary to the very essence of the invention presently claimed.

The following points should be made and reiterated with respect to the citation of the Rice et al. and WO 90/01878 in the present rejection.

Firstly, the present claims require that the truss be made of "edible collagen material". There is no known citation which discloses a food product in the form of poultry, i.e. a bird, and which has a truss formed of this particular material. Using a truss which is formed of edible collagen material has a number of advantages over truss materials which have been used in the prior art. The edible collagen material does not need to be removed before eating a cooked bird and consequently this simplifies the food preparation procedure. Additionally, the edible collagen material becomes crisp during the cooking process and forms a golden color and absorbs the full flavor of the cooked bird. The cooked collagen truss is therefore compatible with the cooked bird in terms of its appeal to the visual and other senses of a person eating the cooked bird.

Secondly, the truss of the invention maintains its mechanical strength throughout the cooking process and of course prior to cooking. Accordingly, it remains intact and holds the poultry in the desired mechanical configuration throughout the cooking process. In contra distinction WO 90/01879 deals with a stabilizing aid which is specifically designed to dissolve on cooking.

And, thirdly, the truss is constructed so as to present the bird with the fleshy portions of the legs in contact with the moist body of the bird and in a manner which prevents tenting of the skin between the bird body and bird leg. Tenting is highly undesirable to the consumer and results in mal-cooking of the tented skin. If any disclosure in WO 95/33382 could avoid tenting, it would have to do so by virtue of using an edible retainer clip which not only could become lost as a foreign body in the meat, but during the cooking process may degrade and contaminate the cooked product.

With respect to the Examiner's principal citation (U.S. 2,842,443) wherein two elastic bands are provided of which the second one forms the truss, it should be pointed out that the manner in which this elastic band is wrapped round the hocks and then over the far body portion of the bird means that the bird shape is distorted from its natural condition so as to be shortened in the lengthwise direction and somewhat widened in the width direction. This widening action could be accompanied by a necessary spalying, latterly outwardly, of the two flesh portions of the legs. This essentially will take them away from the moist main body and would be expected to result in tenting contrary to the requirements of the present claims. Fig. 8 of U.S. 2,842,443 best shows the second rubber band 26 being pulled over the main body portion of the bird and since hock end 22 is pulled to the left it surely must follow that the leg portion 12 splays outwardly.

In view of the foregoing amendments and remarks, it is therefore clear that the cited art does not anticipate or suggest the present claims.

It is asserted that all objections and rejections have been overcome and all claims are in condition for allowance, which action is courteously requested.

Dated: February 26, 2003

MLD/cah
cc: D. MacDougall

Respectfully submitted,



Michael L. Dunn
Attorney for Applicant(s)
Reg. No. 25,330
P.O. Box 10
Newfane, New York 14108
Telephone: (716) 433-1661

Translated from the German

World Intellectual Property Organization (WIPO)
INTERNATIONAL APPLICATION, PUBLISHED IN CONFORMITY WITH THE
PROVISIONS OF THE TREATY FOR THE INTERNATIONAL COOPERATION IN THE
FIELD OF PATENTING [PCT (Patent Cooperation Treaty)]
International Publication Number:

WO 90/01878

IPC: A 22 C 13/00

International Date of Application: July 19, 1989

Priority dates: 3211/88-1 August 30, 1988 CH

[Switzerland]/'Applicant and Inventor: Hanspeter Baldauf

[residing in] CH-8023 Zürich [Switzerland]

Agent: Feldmann A.G. CH-8152 Glattburg

Designated high contracted parties according to PCT:

AT*, AU, BE*, BG, BR, CH*, DE*, DK, FI, FR*, GB*, HU,

IT*, JP, LU*, NL*, NO, SE*, SU, US. [* = European patent]

Published with international search report

Title in German of the object of the invention:
STABILITÄTSHILFE BEI EINEM LABILEN OBJEKT, INSBESONDERE
LEBENSMITTEL

STABILIZING AID FOR UNSTABLE OBJECTS, IN PARTICULAR FOODSTUFFS

When loose and stable objects are manufactured, the area of the same is usually contracted in order for the structure and the shaping or configuration to be preserved. The insertion of pins of wood or plastic, and the clipping off of sausages is also customary. The work input or expenditure of labor, associated therewith, is relatively high, and the subsequent removal is cumbersome. In certain cases, there arises a danger of damage, as

well as a possibility of contamination.

In particular, as far as sausage skins are concerned, it is known for a long time past that substitute materials are used for the natural skin of a sausage. Thus, e.g., the French patent application FR-A-1,260,250 already proposes to provide sausage skins of water insoluble plastic with a hydrophilic additive, in order for the water-vapor permeability to be improved. Pectocelluloses or pectostarches are, e.g., used in their capacity as such additives.

In contradistinction to this, the German patent document DE-B-1,066,901 deals with the insertion of fatty or lardy layers around a sausage mass. Provisions are made in an embodiment variant to design the fatty or lardy layer on a foil of edible material, and to apply the whole thing around the sausage mass.

Those embodiments presuppose a high degree of durability or long storage life of the selected edible material, and they are preponderantly conceived to be used on an industrial scale in the manufacturing of foodstuffs.

On the contrary, stabilizing aids, which dissolve in water or at a preset temperature, and are made of edible material, are not known in the household and in trade. Until recently, especially in the production of "collars" [a piece of meat, which is rolled up and tied] or rolled hams, or in the making of [the dish, known in Germany as] 'cordon-bleu'* [*Translator's note: a dish

(course) of two escallops of veal, each one of them filled with a thin disk of boiled ham and Emmental(er) cheese (Gruyère), sprinkled with egg, bread-crumbs, and, baked or roasted, grilled or fried in butter], and similar products, it was resorted to an improvisation of stabilizing aids of plastic or natural materials, which are neither edible nor soluble. For example, rolled hams were surrounded with elastic plastic screens, while the 'cordon-bleu' was kept together with wooden tooth-picks. Most recently, it is known that polymeric, thermoplastically processable starch granulates [pellets] can be made. Such a material is exceedingly suitable as a basis for the making of stabilizing aids for foodstuffs. Until now, the application of such material was especially sought in the agriculture, e.g., for the manufacturing of soluble cover foils for early shoots' beds. Reference is directly made herewith to the Swiss applications CH-A.....(2779/88) and CH-A.....(4083/88), respectively.

It is an object of the proposed invention to create a stabilizing aid, acting over the course of the cooking or grilling [baking] processes, in the case of a unsteady or unstable object, in particular foodstuffs, in order for the consistency to be guaranteed, and manual removal work to be precluded.

The stabilization aid is formed by means of a stable, deformable or elastic component, and has the shape of a bonding agent, such a cord, screen, or wire, being resistant to tensile

stress or elastic, which bonding agent is put on the unstable or unsteady object, which is to be stabilized. The supporting component can consist of a single or multipartite parts. The supporting component is functionally of a glue-like or starch-containing material, such as gelatine, glucose or biologically degradable, edible polymers, preferably a polymeric, thermoplastically processable granulate, which rapidly dissolves, when heated up, and is integrated with the unstable or unsteady object. The gelatines, glucose, starch-containing material, or biologically degradable polymers, can be of standard type or hardened, and contain suitable additives. The component of the stabilization aid, which is introduced or clamped on or into the unsteady or unstable object, can have a pin-like or needle-like shape.

If the stabilization aid is a hose-like structure, made of an edible cord, which can be dissolved, when subjected to heat, it is functional to fill the said structure with a material, which influences the dissolution process when heat is applied. In the case of long-stretched or extended objects, such as sausages, the ends of certain kinds of sausages are tied up with the help of metal clips, which are relatively strong, and may not be removed without efforts and a danger of damages. Those clips, which bring about the holding together or coherence as well as the preservation of the shape of loose objects, such as sausages, advantageously consist of a material, which automatically

dissolves when subjected to the action of heat.

The stabilization aid may be used for loose, long-stretched objects and objects of all kinds. The stabilization aid can be used in the process of preparing, cooking, roasting or grilling of edibles, and, indeed, in cases when the consistency, or cohesion, and the preservation of the shape upon the making of a product, and afterwards, is desirable. On this occasion, the stabilization aid is particularly intended for meat products, such as pieces of meat, rolled and tied up, or rolled hams, 'cordon-bleu' or sausages, which may be shaped and tied up with the cords, wires or pins in accordance with the invention.

P A T E N T C L A I M S

1. Stabilization aid on a unstable or unsteady object - in particular a formation to be cooked or roasted [grilled(broiled) or fried] - of foodstuff, characterized in that the said stabilization aid comprises a structure, arranged on or in the same formation of foodstuffs, preserving the consistency and the shape over the course of the cooking or roasting [grilling (broiling) or frying] process, which structure dissolves when heated, and that the said structure is formed by means of a cord-shaped, wire-shaped, needle-shaped or pin-shaped component, placed on the unstable object and/or inserted into the same.

2. Stabilization aid as claimed in claim 1, characterized in that the cord-like, or wire-like component is dimensionally

stable or deformable.

3. Stabilization aid as claimed in claim 1, characterized in that the component, which dissolves when heated, consists of a starch-containing, hardened or non-hardened material.

4. Stabilization aid as claimed in claims 1 and 3, characterized in that the component, which dissolves when heated up, is based on gelatine-containing, glucose-containing or starch-containing base.

5. Stabilization aid as claimed in claim 1, characterized in that the formation or structure, which dissolves when heated, is clip-shaped in the case of long-stretched objects.

6. Stabilization aid as claimed in claim 1, characterized in that the same is made of a polymeric, thermoplastically processable granulate.

7. Stabilization aid as claimed in claim 1, characterized in that the same is a hose-shaped formation or structure, made of a cord.

USDoC/USPTO/STIC/Translations Branch
Translated by John M Koytcheff, MSc
USPTO TRANSLATOR (GERMAN and the principal Germanic languages)
July 22, 2003